

REMARKS

Applicants thank the Examiner for withdrawing the rejections of record in the October 22, 2004 *Office Action*.

Status of the Application

Claims 1-36 are all the claims pending in the Application, as claims 33-36 are hereby added. Claims 1-5, 8, 9, 12-15, 18, 19 and 22 stand rejected.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 23-32 are allowed.

Applicants thank the Examiner for indicating that claims 6, 7, 10, 11, 16, 17, 20 and 21 would be allowed if rewritten in independent form. However, Applicants respectfully request that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

Anticipation Rejection

The Examiner has rejected claims 1-5, 8, 9, 12-15, 18, 19 and 22 under 35 U.S.C. § 102(e) as being anticipated by *Keith et al.* (US 6,115,655; hereinafter "*Keith*"). This rejection is respectfully traversed.

The Examiner alleges that *Keith*, in: FIG. 1 (GPS system 10); col. 5, lines 55-60; and col. 6, lines 2-9, discloses all of the features of independent claims 1 and 13. Applicants respectfully disagree, and submit that *Keith* fails to teach or suggest either:

(1) independent claim 1's recitation of "a controller for determining whether or not continuing the position measuring operation is required after a main operation of said mobile unit

has stopped and for controlling said position measuring section to continue the position measuring operation after stopping the main operation when the position measuring operation is required;" or

(2) independent claim 13's recitation that "after a main operation of the mobile unit stops, the control circuit determines whether or not continuing to determine the position of the mobile unit is required," and that "if continuing to determine the position of the mobile unit is required, the control circuit continues to determine the position of the mobile unit after the main operation has stopped."

Specifically, *Keith* discloses a system 10 with an on-board portion 14 tracking the position of a monitored vehicle 18 (see FIG. 1; col. 3, lines 1-37) via time-stamped GPS waypoints stored therein. The on-board portion 14 is connectable to a fixed base portion 26, which is located in a vehicle garage (see FIG. 1; col. 3, lines 38-53), after the monitored vehicle returns from a trip (col. 4, line 66 - col. 5, line 23), and the fixed portion calculates the distance (col. 5, lines 24-43; col. 5, line 55 - col. 6, line 32) and/or the elapsed time (col. 6, lines 33-55) of the trip.

Accordingly, while *Keith*'s system measures the position of a vehicle when a trip is being made (via time-stamped waypoints stored in on-board portion 14), there is no teaching or suggestion that *Keith*'s system provides any continuing positional measurement after the main operation of the mobile unit has stopped. Rather, *Keith*'s GPS system 10 has discrete time periods during which it measures GPS waypoints (*e.g.*, during the monitored vehicle's trip), and does not measure GPS waypoints at other times (*e.g.*, after stopping the vehicle's trip).

Further, to the extent that the Examiner believes that input means 28 discussed in col. 5, lines 55-60; and col. 6, lines 2-9 of *Keith* provides a control providing such continued positional measurement, Applicants respectfully submit that input means 28 is used for entering data (*e.g.*, designating whether a location that the vehicle stopped was for business or personal use), and does not provide any particular control over GPS system 10.

Still further, Applicants respectfully submit that *Keith*'s system also fails to provide any "determining whether or not continuing the position measuring operation is required." Rather, the operation of *Keith* is defined only by the vehicle trips themselves. Thus, there is no provision of any feature that "determines" whether the above described continuing positional measurement is needed.

In view of the above, Applicants respectfully submit that independent claims 1 and 13 are patentable over the applied reference. Further, Applicant respectfully submits that rejected dependent claims 2-5, 8, 9, 12, 14, 15, 18, 19 and 22 are: (1) allowable at least by virtue of their dependency; and (2) separately patentable over the applied references.

For example, regarding claim 8, Applicants respectfully submit that *Keith* fails to teach or suggest that "the controller determines that continuing the position measuring operation is required after the main operation has stopped when a substantial amount of time would be required for the position measuring section to reacquire position data to measure the position of the mobile system once the main operation is resumed."

While the Examiner cites col. 6, line 59 - col. 7, line 3 of *Keith* as allegedly disclosing such features, Applicants respectfully submit that this cited portion merely discloses that the time

of the vehicles trip is measured. This is quite different from any determination of whether “a substantial amount of time would be required for the position measuring section to reacquire position data.” In fact, *Keith* is completely silent regarding any recognition of any such acquisition delay.

Further, Applicants respectfully submit that *Keith* fails to teach or suggest claim 18’s recitation that “the control circuit determines that continuing to determine the position of the mobile unit is required after the main operation has stopped when a substantial amount of time would be required to reacquire the data via the receiving circuit once the main operation is resumed,” for at least the same reasons discussed above with respect to claim 8.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

New Claims

Claims 33-36 are hereby added. Claims 33-36 are fully supported *at least* by FIG. 2 of the instant Application. Claims 33-36 are respectfully submitted to be allowable both by virtue of their dependency, and by virtue of the features recited therein.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-36 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-36.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. §1.111
U.S. Appln No. 09/812,565

Attorney Docket No. Q63506

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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